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UNCLAS SAN JOSE 000091

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SUBJECT: KEY DEPUTIES POINT TO VOTING ON CAFTA-DR AFTER NEW CONGRESS TAKES OFFICE

REF: SAN JOSE 02942

1. On January 11, 2006 Representative Dan Burton (R-IN) and Ambassador met with key members of the Costa Rican Legislative Assembly to discuss the status of ratification of the Central America-Dominican Republic-U.S. Free Trade Agreement (CAFTA-DR). Rolando Lacle, Chair of the Assembly's International Relations and Trade Committee, which has responsibility for conducting hearings on the agreement, said the most optimistic schedule is that his Committee would finish its work prior to ending its tenure when the current Assembly is replaced in whole on May 1, 2006. So far the Committee has heard only from the first of 32 witnesses. Lacle expressed doubt that the current Assembly would be able to conduct a first of two required ratification votes prior to handing over their seats to the new Assembly members (deputies) who will be elected on February 5, 2006.

2. Also present at the meeting were Lacle's fellow Social Christian Unity Party (PUSC) deputies Liliana Salas, leader of the PUSC faction, and Mario Calderon, another PUSC deputy. All appeared to be in agreement on several points including that President Pacheco waited too long to send CAFTA-DR to the Assembly to start the ratification process, and that there is little time left for the Committee to progress on this issue. However, Lacle said he would ensure that the Committee, under his leadership, would proceed with the hearings when they return after the holiday and election break with the goal of concluding its work and conducting a Committee vote to send CAFTA-DR to the entire Assembly. He stated that six of the nine Committee members are expected to vote in favor of the agreement and send it to the floor for a vote, more than simple majority needed to do so.

3. Lacle doubted that there would be sufficient time or political will for the Assembly to conduct the first vote prior to May 1. He also talked about the relatively cumbersome process that he will have to manage while the issue is discussed in the Committee. In these proceedings any deputy, even if not a member of the Committee, has the right to be present, speak, and ask questions of those persons providing testimony before the Committee. Lacle said that time limits are usually not imposed on deputies. He noted that if he imposed too strict limitations on debate the Constitutional Court could later overturn the ratification process, and it would be necessary to start over. This could, therefore, lengthen the Committee hearings and put in jeopardy Lacle's goal of completing his work prior to leaving office.

4. Referring to other complementary legislation necessary for implementing Costa Rica's CAFTA-DR commitments, Calderon stated frankly that he did not believe the current Administration would deliver these bills to the Assembly. Even if it were to do so, there is probably not enough time for the Assembly to act.

COMMENT

5. The current International Relations and Trade Committee's completion of its work prior to May 1 would be a very positive step in the ratification process. However, based on Lacle's frank comments, meeting this goal is by no means a certainty. Either way, the bulk of the ratification process will be left to the incoming Assembly and Administration. Thus, most of the work involved in the ratification and implementation of CAFTA-DR in Costa Rica likely will extend well into the second half of 2006, if not later.

5. Representative Burton did not clear on this cable.
LANGDALE